

5983

1 UNITED STATES DISTRICT COURT

2 EASTERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA

4

versus

05 CR 60 (NGG)

5 VINCENT BASCIANO,

6 DEFENDANT. U.S. Courthouse
7 Brooklyn, New York

8 April 26, 2011
9 9:30 a.m.

10

11 TRANSCRIPT OF TRIAL

12 Before the HONORABLE NICHOLAS GARAUFIS, USDJ

13 APPEARANCES

14 Representing the Government: Loretta E. Lynch
15 United States Attorney
16 Eastern District of New York
17 271 Cadman Plaza East
18 Brooklyn, New York 11201
19 BY: TARYN MERKL, ESQ.
20 JACK DENNEHY, ESQ.
21 NICOLE ARGENTIERI, ESQ.
22 STEPHEN FRANK, ESQ.

23 Representing the Defendant: GEORGE GOLTZER, ESQ.
24 RICHARD JASPER, ESQ.
25 YING STAFFORD, ESQ.

26 Reported by:
27 CHARISSE KITT, CRI, CSR, RPR, FCRR
28 225 Cadman Plaza East
29 Brooklyn, New York 11201

30 Phone: 718-613-2606 Fax: 718-613-2696
31 Proceedings recorded by mechanical stenography. Transcript
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| COURT'S | |
| EXHIBIT NO. <u>27</u> | |
| IDENTIFICATION/EVIDENCE | |
| PERGAD 80-531-1988 | DKT. # <u> </u> |
| DATE: <u> </u> | |

CHARISSE KITT, CRI, CSR, RPR, FCRR
Official Court Reporter

3 Q What, if anything, did Randy Pizzolo say when you last
4 saw him?

5 A That he was going to take down the Bronx.

6 Q Who else was present when Randy Pizzolo said he was going
7 to take down the Bronx?

8 A Paul Spina.

9 Q What, if anything, did Paul Spina tell you that he was
10 going to do?

11 MR. GOLTZER: Objection. 801.

12 THE COURT: You may answer.

13 A He says that because Randy said he was going to take down
14 the Bronx, Paul Spina explained that he has to take this
15 upstairs.

16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]

24 A He explained that he has to take it up to his skipper,
25 his captain.

Volpe - Direct/Argentieri

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1 Q And who was his skipper at that time?

2 A Joe C., Junior.

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13 Q Did you see Paul Spina again after that night?

14 A Yes, I did.

15 Q Did you meet with him?

16 A Yes.

17 Q What, if anything, did Paul Spina say to you about Randy
18 Pizzolo?

19 MR. GOLTZER: Objection. 801.

20 THE COURT: You may answer.

21 MR. GOLTZER: Objection. [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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4 Q What did Paul Spina say to you about Randy Pizzolo?

5 MR. GOLTZER: Objection.

6 THE COURT: You may answer -- well, can you be more
7 specific?

8 MS. ARGENTIERI: Yes.

9 Q Directing your attention to several weeks after the
10 incident at Napa Sonoma, did you have a discussion with Paul
11 Spina about what happened to Randy Pizzolo?

12 MR. GOLTZER: Objection.

13 THE COURT: You may answer.

14 A Yes.

15 Q What did Paul Spina tell you?

16 MR. GOLTZER: Objection.

17 THE COURT: You may answer.

18 A He told me to read the newspaper.

19 MR. GOLTZER: Objection.

20 THE COURT: Overruled.

21 Next?

22 Q He told you to read the newspaper. What else did he say?

23 MR. GOLTZER: Objection. [REDACTED]

24 [REDACTED]

25 THE COURT: Overruled.

Volpe - Direct/Argentieri

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1 A He said, did you read the newspaper? Did you see the
2 article in the newspaper?

3 Q What did he say next?

4 MR. GOLTZER: Objection. [REDACTED]

5 [REDACTED]

6 THE COURT: Leading?

7 What, if anything, did he say next?

8 THE WITNESS: He said, did you see what was in the
9 newspaper? And I read the article.

10 BY MS. ARGENTIERI

11 Q After you read the article, did you meet with Paul Spina
12 in person?

13 A Yes.

14 Q At that meeting what, if anything, did Paul Spina say to
15 you about Randy Pizzolo?

16 MR. GOLTZER: Objection.

17 THE COURT: Overruled. You may answer.

18 A He said he hoped what he said didn't get him killed.

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Q When, if ever, did you talk to Paul Spina about Randy Pizzolo again?

A The morning when Paul called me at my office and said, did I read the newspaper.

Q What did you say?

A I said no. I opened up the Daily News and I saw the --

MR. GOLTZER: Objection.

THE COURT: Overruled. Next. You may finish.

THE WITNESS: I opened up the newspaper and I saw

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1 the article where Randy, where it said Randy was killed.

2 Q Did you have a further discussion with Paul Spina?

3 A Yes, he says come down and see me.

4 Q Did you go down and see him?

5 A Yes, I did. I went to his office.

6 Q What happened when you met with Paul Spina at his office?

7 A He basically spoke about the article and about Randy

8 being killed and he says I hope what I said didn't get him

9 killed.

10 Q When, if ever, did you discuss Randy Pizzolo's death with
11 anyone else?

12 A Later with Anthony Rabito.

13 Q When you say later, in what time period did you have a
14 discussion with Anthony Rabito?

15 A A few days later.

16 Q Where did you see Anthony Rabito?

17 A I usually picked him up on the weekends and we went for
18 breakfast.

19 Q

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3 Q At that point in time what was your relationship with
4 Anthony Rabito?

5 A It was pretty close.

6 Q What was your formal relationship within organized crime?
7 Were you on record with them?

8 A At that time, no; I was on record with Anthony Pipitone.

9 Q What time period was this?

10 A This was in -- oh, actually, no. I was with Anthony
11 Rabito. It was in '04.

12 Q And you say you were reporting to Anthony Rabito?

13 A Yes.

14 Q And as an associate with Anthony Rabito, did you have
15 obligations with him -- to him?

16 A No.

17 Q To answer his questions?

18 A Just answer questions, yes.

19 Q What questions did he ask you relating to -- I'm sorry --
20 what question did he ask you in relation to Randy Pizzolo?

21 A If Joe ^{Gambino} had anything to do with that murder.

22 MR. GOLTZER: Objection. [REDACTED]

23 THE COURT: Overruled.

24 Q What did you say?

25 A I said I had no idea, and I just dropped it.

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1 Q Who did you tell about your conversation with Anthony
2 Rabito, if anyone?

3 A I spoke to Paul Spina about it.

4 Q Why did you tell Paul Spina about it?

5 A Because I found it odd that Anthony Rabito was going to
6 be asking me about a murder and who was involved in it.

7 Q What was your concern?

8 MR. GOLTZER: Objection.

9 THE COURT: You may answer.

10 THE WITNESS: That maybe Anthony Rabito was
11 cooperating.

12 BY MS. ARGENTIERI:

13 Q Is there a rule in organized crime about talking about
14 murder?

15 A Yeah.

16 Q What's the rule?

17 A Once murder happens, don't talk about it again; just
18 forget it.

19 Q After Randy Pizzolo's murder, what if any, discussion did
20 you have with Joey Gambina about someone being on the lam?

21 MR. GOLTZER: Objection.

22 THE COURT: Sidebar.

23 (Sidebar.)

24 (Continued on the next page.)

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1 (In open court.)

2 THE COURT: All right. You may proceed.

3 BY MS. ARGENTIERI:

4 Q I'm just going to repeat my question. After Randy
5 Pizzolo's murder, what, if any, discussion did you have about
6 somebody being on the lam?

7 A I had a discussion with Anthony Pipitone and Joey
8 *Gambina*
Gambino.

9 Q And what did they tell you?

10 A About his -- Anthony Aiello being on the lam.

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